

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.
Joel Gerardo TORRES-Sanchez
and
Miriam Magdalena OJEDA-Hernandez

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Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2018 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 U.S.C. 952(a) and 963

Offense Description

The defendants did knowingly and unlawfully import into the United States from The United Mexican States a controlled substance listed under Schedule II of the Controlled Substance Act, to wit; approximately 26.16 kilograms of cocaine. Furthermore, the defendants did knowingly and unlawfully conspired to unlawfully import the above listed cocaine.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet./s/ Omar Davis*Complainant's signature*Omar Davis, HSI Special Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/22/2018City and state: Laredo, Texas*Judge's signature*Sam Sheldon, U.S. Magistrate Judge*Printed name and title*

Attachment "A"

I, Omar Davis, a Special Agent with Homeland Security Investigations, have knowledge of the following facts:

1. On October 19, 2018, Joel Gerardo TORRES-Sanchez and Miriam Magdalena OJEDA-Hernandez, both citizens of Mexico attempted to make entry into the United States (U.S.) from Mexico through the Lincoln Juarez Port of Entry in Laredo, Texas in a silver/gray colored BMW Sports Utility Vehicle (SUV). TORRES-Sanchez was the driver and OJEDA-Hernandez was the passenger. They both are Non-Immigrant visa holders and presented their duly issued form DSP-150 (Border Crossing Cards) to the Customs and Border Protection Officers (CBPOs) working the primary lane.
2. CBPO saw they were from Monterrey Mexico and they entered the U.S. on October 4, 2018 and returned to Mexico the next day. OJEDA-Hernandez avoided eye contact with the CBPO. She looked concerned and worried as additional questions were asked. These red flags caused the CBPO to escort them to secondary for further inspection.
3. Once at secondary inspection, TORRES-Sanchez told the CBPO they were trying to make it to San Antonio, TX before sundown. The CBPO saw an anomaly in the rear driver's side tire with his naked eye. TORRES-Sanchez said the vehicle was his, along with everything in it.
4. TORRES-Sanchez was asked if he had anything to declare such as fruits, vegetables, plants, seeds, narcotics, or money over \$10,000. When the CBPO mentioned narcotics, TORRES-Sanchez laughed and both he and OJEDA-Hernandez tried to answer.
5. Their vehicle was then x-rayed. Anomalies were discovered in all 4 tires, and in the floor panels. Further inspection with a CBP K-9 resulted in a positive alert to the vehicle. The tires were removed from the vehicle for further inspection. CBPOs discovered 24 bundles containing a white powdery substance concealed within all 4 tires. The bundles field tested positive for the characteristics of cocaine.
6. The total weight of the seized cocaine was approximately 26.16 kilograms gross weight.
7. Homeland Security Investigations (HSI) Special Agents (SAs) read TORRES-Sanchez his Miranda Rights in the Spanish language. TORRES-Sanchez requested an attorney and questioning ceased.
8. HSI SAs then approached OJEDA-Hernandez. As biographical information was being taken from her, she asked HSI SAs agents why was she being held. HSI SAs

told her there were drugs in her vehicle. OJEDA-Hernandez then requested an attorney. Questioning ceased and she was placed in a cell. OJEDA-Hernandez's Miranda Rights had yet to be read to her.

9. OJEDA-Hernandez was brought back out of the cell for further biographical information. Once out of the cell, OJEDA-Hernandez looked at one of the BMW tires and said, "that's my tire". HSI SAs asked her how do you know? OJEDA-Hernandez replied "because it's a BMW tire. I already know there's drugs in it because agents told me."
10. OJEDA-Hernandez further stated she and TORRES-Sanchez are in the middle of a divorce and he ruined her life. OJEDA-Hernandez stated the car is under her name, but it belongs to TORRES-Sanchez.
11. Record checks were performed on the license plate of the BMW SUV. The checks revealed that TORRES-Sanchez and OJEDA-Hernandez previously crossed into the United States in this vehicle on October 4, 2018, through the Lincoln Juarez POE in Laredo, TX. On the same date, the BMW SUV crossed through the United States Border Patrol Checkpoint located on mile marker 29 of IH-35, north of Laredo. TORRES-Sanchez was the driver and an unknown female was the passenger. On October 5, 2018, the vehicle returned to Mexico.
12. TORRES-Sanchez and OJEDA-Hernandez are both being charged with 21 USC 952(a) and 963.